



Federal Register

**Thursday,
November 30, 2000**

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy has prepared and today is publishing its semiannual regulatory agenda pursuant to Executive Order 12866 "Regulatory Planning and Review," 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT: For further information about any particular

item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Richard L. Farman, Room 6E-078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8145.

SUPPLEMENTARY INFORMATION: Entries appended to this notice reflect the status of activities as of approximately September 1, 2000. They are divided into categories first by subagencies and then according to their stage of rulemaking action: prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

For this edition of the Department of Energy's regulatory agenda, the most

important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the U.S. Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

Issued in Washington, DC, on September 13, 2000.

Mary Anne Sullivan,
General Counsel.

Energy Efficiency and Renewable Energy—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1029 | Test Procedures for Central Air Conditioners and Heat Pumps—Amendments | 1904-AA46 |
| 1030 | State and Local Incentives Program: Alternative Fuels | 1904-AA66 |
| 1031 | Energy Efficiency Standards for Clothes Washers (Reg Plan Seq. No. 25) | 1904-AA67 |
| 1032 | Energy Efficiency Standards for Central Air Conditioners and Heat Pumps (Reg Plan Seq. No. 26) | 1904-AA77 |
| 1033 | Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets | 1904-AA98 |

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Energy Efficiency and Renewable Energy—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1034 | Energy Efficiency Code for New Federal Residential Low Rise Buildings | 1904-AA53 |
| 1035 | Energy Efficiency Standards for Water Heaters (Reg Plan Seq. No. 27) | 1904-AA76 |
| 1036 | Test Procedures for Electric Distribution Transformers | 1904-AA85 |
| 1037 | Test Procedures for Commercial Water Heaters | 1904-AA95 |
| 1038 | Test Procedures for Commercial Warm Air Furnaces, and Efficiency Certification, Compliance, and Enforcement for Commercial Heating, Air Conditioning, and Water Heating Equipment | 1904-AA96 |
| 1039 | Test Procedures for Commercial Air Conditioning Equipment | 1904-AA97 |
| 1040 | Alternative Fuel Program: Biodiesel | 1904-AB00 |
| 1041 | Test Procedures for Commercial Package Boilers | 1904-AB02 |
| 1042 | Amendments to the Refrigeration Standards | 1904-AB03 |
| 1043 | Test Procedures for Dishwashers—Amendment | 1904-AB04 |
| 1044 | Weatherization Assistance Program for Low-Income Persons | 1904-AB05 |
| 1045 | Energy Efficiency Standards for Commercial Heating, Air Conditioning, and Water Heating Equipment | 1904-AB06 |

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Energy Efficiency and Renewable Energy—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1046 | National Voluntary Residential Energy Efficiency Rating Guidelines | 1904-AA74 |
| 1047 | Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces | 1904-AA78 |
| 1048 | Determination for High Intensity Discharge Lamps | 1904-AA86 |
| 1049 | Determination for Small Electric Motors | 1904-AA87 |

DOE

Energy Efficiency and Renewable Energy—Long-Term Actions (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1050 | Energy Efficiency Standards for Clothes Dryers and Dishwashers | 1904-AA89 |
| 1051 | Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment | 1904-AA90 |
| 1052 | Energy Efficiency Standards for 1-200 HP Electric Motors | 1904-AA91 |
| 1053 | Energy Efficiency Standards for Fluorescent and Incandescent Lamps | 1904-AA92 |

Energy Efficiency and Renewable Energy—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1054 | Equivalent Petroleum-Based Fuel Economy Calculation for Electric and Hybrid Electric Vehicles | 1904-AA40 |
| 1055 | Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings | 1904-AA69 |
| 1056 | Energy Efficiency Standards for Lamp Ballasts | 1904-AA75 |
| 1057 | State Energy Program | 1904-AB01 |
| 1058 | Energy Savings Performance Contracting; Technical Amendment | 1904-AB07 |

Defense and Security Affairs—Prerule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1059 | Computer Security; Access to Information on Government-Owned Systems | 1992-AA27 |

Defense and Security Affairs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1060 | Physical Protection of Security Interests | 1992-AA23 |
| 1061 | Procedural Rules for DOE Nuclear Security Activities | 1992-AA28 |
| 1062 | Human Reliability Program | 1992-AA29 |

Defense and Security Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1063 | General Criteria and Procedures for Determining Eligibility for Access to Classified Matters or Special Nuclear Material | 1992-AA22 |
| 1064 | Security Requirements for Disclosure of Classified and Other Sensitive Information | 1992-AA26 |

Defense and Security Affairs—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1065 | Assistance to Foreign Atomic Energy Activities | 1992-AA25 |

DOE

Departmental and Others—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1066 | Freedom of Information Act | 1901-AA32 |
| 1067 | Privacy Act System of Records Update | 1901-AA69 |
| 1068 | Community Transition Activities | 1901-AA77 |
| 1069 | Nondiscrimination in Federally Assisted Programs or Activities | 1901-AA86 |

Departmental and Others—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1070 | Nuclear Safety Management (Reg Plan Seq. No. 28) | 1901-AA34 |
| 1071 | Radiation Protection of the Public and the Environment (Reg Plan Seq. No. 29) | 1901-AA38 |
| 1072 | General Guidelines for the Recommendation of Sites for Nuclear Waste Repository | 1901-AA72 |
| 1073 | Economic Development Transfers of Real Property | 1901-AA82 |

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Departmental and Others—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1074 | Enforcement of Employee Safety Standards at Nuclear Weapons Facilities | 1901-AA44 |
| 1075 | Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA) | 1901-AA57 |
| 1076 | Payments for Special Burdens and in Lieu of Taxes | 1901-AA58 |

Departmental and Others—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1077 | Environmental Management Financial Assistance Program | 1901-AA71 |
| 1078 | Redesign and Revision of Wholesale Power Rates and Resolution of Certain Transmission-Related Issues | 1901-AA83 |
| 1079 | Redesign and Revision of Transmission Rates and Open Access Transmission Terms and Conditions | 1901-AA84 |
| 1080 | Revised Integrated Resource Planning Approval Criteria | 1901-AA85 |

Office of Procurement and Assistance Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1081 | DEAR: Recycling | 1991-AB47 |
| 1082 | DEAR: Work for Others | 1991-AB48 |
| 1083 | Acquisition Regulation: Payment of Fee Relating to Security Issues | 1991-AB54 |

Office of Procurement and Assistance Management—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1084 | Classified National Security Information—E.O. 12958 | 1991-AB42 |
| 1085 | DEAR: Cost Principles | 1991-AB46 |
| 1086 | DEAR: Part 970, DOE Management and Operating Contracts: Technical Revisions | 1991-AB49 |
| 1087 | DEAR: Technical Amendments | 1991-AB51 |

DOE

Office of Procurement and Assistance Management—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1088 | DEAR: Purchasing by DOE Management and Operating Contractors From Affiliated Sources | 1991-AB52 |
| 1089 | DEAR: Patent Rights | 1991-AB55 |

Office of Procurement and Assistance Management—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1090 | DEAR: Financial Management Clauses | 1991-AB02 |
| 1091 | DEAR: Management and Operating Contract Whistleblower Costs | 1991-AB36 |
| 1092 | DEAR: Mentor-Protege Program | 1991-AB45 |

Office of General Counsel—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1093 | Contractor Legal Management Requirements; Acquisition Regulations | 1990-AA27 |

Office of General Counsel—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1094 | Conduct of Employees | 1990-AA19 |
| 1095 | Claims for Damages Against Department of Energy Employees | 1990-AA26 |

Department of Energy (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

1029. TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None**Abstract:** These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act will reorganize the document in a logical order and update the references. The revisions include an updated nomenclature compatible with the

eventual test procedure for combined (domestic hot water and central air conditioners or heat pumps) appliances, additional tables listing test tolerances, a clearer specification for the demand defrost credit, and test methods for ECM (electronically commutated motor) blowers and history-dependent defrosts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/00 | |
| Final Action | 02/00/01 | |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Michael Raymond, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy

Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-9611
 Email: michael.raymond@ee.doe.gov
RIN: 1904-AA46

1030. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS**Priority:** Other Significant**Legal Authority:** 42 USC 13235**CFR Citation:** 10 CFR 409**Legal Deadline:** Final, Statutory, April 24, 1993.**Abstract:** The Energy Policy Act of 1992 requires DOE to issue regulations establishing the State and Local Incentives Program. Under this Program DOE may grant financial assistance to States for projects in DOE-approved

DOE—EE

Proposed Rule Stage

State plans to promote use of alternative fuels and alternative-fueled vehicles. With the publication of an integrated State Energy Program (61 FR 35890), the alternative fuel grant programs may be a part of the State grant special projects, depending on funding availability. The next action will be a cancellation notice of any separate State grant program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/21/95 | 60 FR 15020 |
| NPRM Comment Period End | 05/22/95 | |
| Notice Withdrawing NPRM | 10/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Marcy A. Rood, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8161
Email: marcy.rood@hq.doe.gov

RIN: 1904-AA66

1031. ENERGY EFFICIENCY STANDARDS FOR CLOTHES WASHERS

Regulatory Plan: This entry is Seq. No. 25 in Part II of this issue of the **Federal Register**.

RIN: 1904-AA67

1032. ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS

Regulatory Plan: This entry is Seq. No. 26 in Part II of this issue of the **Federal Register**.

RIN: 1904-AA77

1033. ALTERNATIVE FUELED VEHICLE ACQUISITION REQUIREMENTS FOR PRIVATE AND LOCAL GOVERNMENT FLEETS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 13257

CFR Citation: 10 CFR 490

Legal Deadline: NPRM, Statutory, May 1, 1999.
Final, Statutory, April 1, 2000.

Abstract: The Energy Policy Act of 1992 (the Act) requires DOE to initiate a rulemaking to determine whether a

private and local fleet program is deemed necessary to meet the fuel displacement goals of the Act. The criteria for making this determination is mandated by the Act. DOE has announced a series of informal workshops, including two for State and local government officials, to discuss regulatory options and other issues related to the alternative fueled vehicle requirements under the Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| ANPRM | 04/17/98 | 63 FR 19372 |
| Notice of Public Workshops | 07/20/00 | 65 FR 44987 |
| NPRM | 05/00/01 | |
| Final Action | 01/00/02 | |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Businesses

Government Levels Affected: Local

Agency Contact: Kenneth R. Katz, EE-34, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-6116
Email: kenneth.katz@hq.doe.gov

RIN: 1904-AA98

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

1034. ENERGY EFFICIENCY CODE FOR NEW FEDERAL RESIDENTIAL LOW RISE BUILDINGS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 24, 1994.

Abstract: Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 (PL 102-486, October 24, 1992) provides that DOE establish Federal building energy standards that require in new Federal buildings those energy

efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/02/97 | 62 FR 24164 |
| NPRM Comment Period End | 07/14/97 | |
| Final Action | 06/00/01 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Stephen P. Walder, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9209

RIN: 1904-AA53

1035. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS

Regulatory Plan: This entry is Seq. No. 27 in Part II of this issue of the **Federal Register**.

RIN: 1904-AA76

DOE—EE

Final Rule Stage

1036. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** Other, Statutory, April 24, 1995, Determination Notice.

Abstract: The Energy Policy Act of 1992 requires the Department to prescribe testing requirements for electric distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Determination Notice | 10/22/97 | 62 FR 54809 |
| NPRM | 11/12/98 | 63 FR 63359 |
| Final Action | 01/00/01 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority, and the Department is working actively on this action.

Agency Contact: Lindsay Coffman, EE-41, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4517
Email: lindsay.coffman@ee.doe.gov

RIN: 1904-AA85**1037. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial water heaters, prescribes test procedures, and requires labeling for such equipment. This

action would codify the energy conservation standards and test procedures established in the EPCA for commercial water heaters. This action will incorporate by reference energy conservation standards and test procedures, revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/09/00 | 65 FR 48852 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA95**1038. TEST PROCEDURES FOR COMMERCIAL WARM AIR FURNACES, AND EFFICIENCY CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR COMMERCIAL HEATING, AIR CONDITIONING, AND WATER HEATING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial heating equipment. This action will also incorporate by reference energy conservation standards and test procedures, revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), and will establish certification and compliance requirements for commercial heating equipment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/13/99 | 64 FR 69597 |
| Final Action | 11/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA96**1039. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial air conditioning equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial air conditioning equipment. This action will also incorporate by reference energy conservation standards and test procedures, revised by the Air Conditioning and Refrigeration Institute or by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ARI/ASHRAE).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/09/00 | 65 FR 48828 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA97

DOE—EE

Final Rule Stage

1040. ALTERNATIVE FUEL PROGRAM: BIODIESEL**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13211(2); 42 USC 13211(14); 42 USC 13252(b)(2)**CFR Citation:** 10 CFR 490**Legal Deadline:** Final, Statutory, January 1, 1999.

Abstract: This action would implement the biodiesel fuel use credit created by the Energy Conservation Reauthorization Act of 1998. It would provide for the allocation of an alternative fueled vehicle acquisition credit for a specified amount of biodiesel fuel use by those required to purchase alternative fueled vehicles under titles III and V of the Energy Policy Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/19/99 | 64 FR 27169 |
| Final Action | 10/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Dana O'Hara, EE-34, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8063
Email: dana.o'hara@ee.doe.gov

RIN: 1904—AB00**1041. TEST PROCEDURES FOR COMMERCIAL PACKAGE BOILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify these provisions. It would also incorporate by reference energy conservation standards and test procedures revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/09/00 | 65 FR 48838 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov

RIN: 1904—AB02**1042. AMENDMENTS TO THE REFRIGERATION STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 6295**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: This action would amend the definition of electric refrigerator used in DOE's energy conservation program to exclude units whose physical configuration makes them unsuitable for general storage of perishable foods.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/13/99 | 64 FR 37706 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Michael Raymond, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9611
Email: michael.raymond@ee.doe.gov

RIN: 1904—AB03**1043. TEST PROCEDURES FOR DISHWASHERS—AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: This action would add test procedures for dishwashers with soil-sensing technology, revise the calculation of estimated annual operating cost, and change the definitions of compact and standard models.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/28/99 | 64 FR 52248 |
| NPRM Comment Period End | 02/14/00 | |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Barbara Twigg, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8714
Email: barbara.twigg@ee.doe.gov

RIN: 1904—AB04**1044. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6861; 42 USC 7101**CFR Citation:** 10 CFR 440**Legal Deadline:** None

Abstract: This would amend the Weatherization Assistance Program for Low-Income Persons. The changes would add clarifying language, delete obsolete provisions, improve the overall operation of the program, include a 25 percent State cost share requirement, and give State and local agencies additional flexibility.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/26/00 | 65 FR 4331 |
| NPRM Comment Period End | 03/27/00 | |
| Interim Final Rule | 10/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal

Agency Contact: Gregory Reamy, Office of Technology Assistance, EE-42,

DOE—EE

Final Rule Stage

Department of Energy, Energy
Efficiency and Renewable Energy, 1000
Independence Avenue SW.,
Washington, DC 20585
Phone: 202 586-4074

RIN: 1904—AB05

**1045. ENERGY EFFICIENCY
STANDARDS FOR COMMERCIAL
HEATING, AIR CONDITIONING, AND
WATER HEATING EQUIPMENT**

Priority: Economically Significant.
Major under 5 USC 801.

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 431

Legal Deadline: Final, Statutory,
October 29, 2003.

Abstract: This action would determine
whether to adopt the ASHRAE 90.1-
1999 efficiency levels as a uniform
national standard, or to set a more
stringent standard.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|---------|
| Preliminary Screening Analysis | 05/15/00 | |
| Final Action | 11/00/00 | |

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Cyrus Nasseri, EE-41,
Program Manager, Office of Building
Research and Standards, Department of
Energy, Energy Efficiency and
Renewable Energy, 1000 Independence
Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasseri@ee.doe.gov

RIN: 1904—AB06

Department of Energy (DOE)

Long-Term Actions

Energy Efficiency and Renewable Energy (EE)

**1046. NATIONAL VOLUNTARY
RESIDENTIAL ENERGY EFFICIENCY
RATING GUIDELINES**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 8236

CFR Citation: 10 CFR 437

Legal Deadline: Final, Statutory, April
24, 1994.

Abstract: DOE is required to establish
by rule national voluntary guidelines
for home energy rating systems. The
guidelines are designed to encourage
uniformity with regard to systems for
rating the annual energy efficiency of
residential buildings. The guidelines
may be used to enable and encourage
the assignment of energy efficiency
ratings to residential buildings and the
development of criteria for attractive
financial instruments for energy
efficient homes.

In response to the directives of the
Energy Policy Act of 1992, DOE
collaborated with hundreds of
stakeholders and organizations,
including the Home Energy Rating
System (HERS) Council, the National
Association of State Energy Officials,
and HERS providers, many of whom
had been meeting regarding HERS since
about 1987. Based on input from all
the stakeholders, DOE issued for public
comment a Notice of Proposed
Rulemaking on voluntary guidelines.

Most of the comments that DOE
received on the proposed rule were
readily resolved. But the issue of “fuel
neutrality” was not easily incorporated
into the rule. “Fuel neutrality”
involved an interpretation of the
requirement that the rule not

“discriminate among fuel types” for
which the EPACT legislation provided
no clarification. Yet, in spite of an
intensive effort by DOE to work with
both the electric and gas industries, a
definition regarding fuel neutrality was
not resolved and remains hotly
disputed.

In the fall of 2000, DOE plans to issue
a Report to Congress on the HERS and
Energy Efficient Mortgages, as required
by Congress. This report will note that
despite the fact that DOE has not issued
a final rule, home energy raters are now
available in 47 States, and the
guidelines used by these raters are
generally consistent in content to DOE’s
Notice of Proposed Rulemaking on
voluntary HERS guidelines.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/25/95 | 60 FR 37949 |
| NPRM Comment Period End | 05/09/96 | |
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected:
Undetermined

Agency Contact: David Boomsma, EE-
40, Department of Energy, Energy
Efficiency and Renewable Energy, 1000
Independence Avenue SW.,
Washington, DC 20585
Phone: 202 586-7086
Fax: 202 586-5557
Email: david.boomsma@ee.doe.gov

RIN: 1904—AA74

**1047. ENERGY EFFICIENCY
STANDARDS FOR RESIDENTIAL
FURNACES, BOILERS, AND MOBILE
HOME FURNACES**

Priority: Economically Significant.
Major under 5 USC 801.

Unfunded Mandates: This action may
affect the private sector under PL 104-
4.

Reinventing Government: This
rulemaking is part of the Reinventing
Government effort. It will revise text in
the CFR to reduce burden or
duplication, or streamline
requirements.

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

Legal Deadline: Final, Statutory,
January 1, 1994.

Abstract: The Energy Policy and
Conservation Act, as amended,
establishes initial energy efficiency
standard levels for most types of major
residential appliances and generally
requires DOE to undergo two
subsequent rulemakings, at specified
times, to determine whether the extant
standard for a covered product should
be amended.

This is the initial review of the
statutory standards for furnaces.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|-------------|
| ANPRM | 09/08/93 | 58 FR 47326 |
| Next Action | Undetermined | |

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Local,
State

Additional Information: Due to the Department's limited financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, or low priority based on significant input from the public. This action is low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov
RIN: 1904-AA78

1048. DETERMINATION FOR HIGH INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.
Legal Authority: 42 USC 6317
CFR Citation: 10 CFR 430
Legal Deadline: Other, Statutory, April 24, 1995, Determination Notice.
Abstract: The Energy Policy Act of 1992 requires the Department to prescribe test procedures and efficiency standards for high intensity discharge lamps for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

| Action | Date | FR Cite |
|----------------------|-------|------------|
| Determination Notice | To Be | Determined |

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority and the Department does not plan to work on it this year.

Agency Contact: Terry Logee, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1689
Email: terry.logee@ee.doe.gov
RIN: 1904-AA86

1049. DETERMINATION FOR SMALL ELECTRIC MOTORS

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 6317
CFR Citation: 10 CFR 431
Legal Deadline: Other, Statutory, April 24, 1995, Determination Notice.
Abstract: The Energy Policy Act of 1992 requires the Department to prescribe test procedures for small electric motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

| Action | Date | FR Cite |
|----------------------|-------|------------|
| Determination Notice | To Be | Determined |

Regulatory Flexibility Analysis Required: No
Government Levels Affected: None

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority and the Department plans to do only limited work on it this year.

Agency Contact: James Raba, EE-41, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov
RIN: 1904-AA87

1050. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS

Priority: Economically Significant. Major under 5 USC 801.
Unfunded Mandates: This action may affect the private sector under PL 104-4.
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.
Legal Authority: 42 USC 6295
CFR Citation: 10 CFR 430.32
Legal Deadline: Final, Statutory, May 14, 1996, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.
Timetable: Next Action Undetermined
Regulatory Flexibility Analysis Required: No
Government Levels Affected: State, Local

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.
Agency Contact: Bryan Berringer, EE-41, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0371
Fax: 202 586-4617
Email: bryan.berringer@ee.doe.gov
RIN: 1904-AA89

1051. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT

Priority: Economically Significant. Major under 5 USC 801.
Unfunded Mandates: This action may affect the private sector under PL 104-4.

DOE—EE

Long-Term Actions

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

Legal Deadline: Final, Statutory, January 1, 1992, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Additional Information: Due to the Department's limited financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA90

1052. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6313

CFR Citation: 10 CFR 431

Legal Deadline: Final, Statutory, October 24, 1999, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: James Raba, EE-41, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov

RIN: 1904-AA91

1053. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, November 15, 1998, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for at least the next two fiscal years.

Agency Contact: Terry Logee, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1689
Email: terry.logee@ee.doe.gov

RIN: 1904-AA92

Department of Energy (DOE)

Completed Actions

Energy Efficiency and Renewable Energy (EE)

1054. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC AND HYBRID ELECTRIC VEHICLES**Priority:** Other Significant**Legal Authority:** PL 96-185, sec 18; PL 94-413, sec 13(c); PL 94-163, sec 503(a)(3); PL 103-272**CFR Citation:** 10 CFR 474**Legal Deadline:** None

Abstract: This action will establish a methodology for determining the equivalent petroleum-based fuel economy (PEF) for electric vehicles so that they could be included in a manufacturer's overall Corporate Average Fuel Economy (CAFE) program. The methodology would be based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, and the driving patterns of electric vehicles. It will establish a method for determining the PEF of electric vehicles that are recharged from stationary sources only. Hybrid vehicles are not covered by this action.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 02/04/94 | 59 FR 5336 |
| Revised NPRM | 07/14/99 | 64 FR 37905 |
| Final Action | 06/12/00 | 65 FR 36985 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Rogelio Sullivan, EE-32, Program Manager, Electric and Hybrid Propulsion Division, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8042

RIN: 1904-AA40**1055. ENERGY CODE FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 6834**CFR Citation:** 10 CFR 434; 10 CFR 435 subpart A**Legal Deadline:** Final, Statutory, November 14, 1997.

Abstract: Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 (PL 102-486) provides that DOE establish Federal building energy standards that require in new Federal buildings those energy efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/06/96 | 61 FR 40882 |
| NPRM Comment Period End | 11/04/96 | |
| Final Action | 10/06/00 | 65 FR 59999 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Agency Contact: Ronald B. Majette, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7935
Email: ronald.majette@hq.doe.gov

RIN: 1904-AA69**1056. ENERGY EFFICIENCY STANDARDS FOR LAMP BALLASTS****Priority:** Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 6295**CFR Citation:** 10 CFR 430.32**Legal Deadline:** Final, Statutory, January 1, 1992.

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major

residential appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended.

This is the initial review of the statutory standards for fluorescent lamp ballasts.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| ANPRM | 09/28/90 | 55 FR 39624 |
| NPRM | 03/04/94 | 59 FR 10464 |
| Ballast Analysis Workshop | 06/01/99 | |
| Reissue NPRM | 03/15/00 | 65 FR 14128 |
| Final Action | 09/19/00 | 65 FR 56740 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority, and the Department is working actively on this action.

Agency Contact: Carl Adams, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9142
Email: carl.adams@ee.doe.gov

RIN: 1904-AA75**1057. STATE ENERGY PROGRAM****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 6321; 42 USC 7101**CFR Citation:** 10 CFR 420**Legal Deadline:** None

Abstract: This action would clarify the applicability of requirements under parts B and C.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/24/99 | 64 FR 46111 |
| Final Action | 05/01/00 | 65 FR 25265 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

DOE—EE

Completed Actions

Agency Contact: Thomas P. Stapp, EE-42, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-2096

RIN: 1904—AB01

1058. • ENERGY SAVINGS PERFORMANCE CONTRACTING; TECHNICAL AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 8287-8287(c)

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: This action amends the sunset provision of the regulation and updates references to the Federal Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/28/00 | 65 FR 39784 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Stephen P. Walder, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9209

Tatiana Muessel, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20676
Phone: 202 586-9230

RIN: 1904—AB07

**Department of Energy (DOE)
Defense and Security Affairs (DSA)**

Prerule Stage

1059. COMPUTER SECURITY; ACCESS TO INFORMATION ON GOVERNMENT-OWNED SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7101 et seq; 42 USC 2011 et seq; 50 USC 2425; 50 USC 2483(c)

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, January 3, 2000.

Abstract: This action would codify rules governing access to information in computer systems used by DOE employees and the employees of DOE prime contractors who perform defense nuclear-related activities at DOE headquarters or at DOE national laboratories at various locations around the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 03/00/01 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cathy Tullis, Office of Security and Emergency Operations, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 301 903-4805

RIN: 1992—AA27

**Department of Energy (DOE)
Defense and Security Affairs (DSA)**

Proposed Rule Stage

1060. PHYSICAL PROTECTION OF SECURITY INTERESTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2011; 42 USC 7101

CFR Citation: 10 CFR 1046 subpart A; 10 CFR 1046 subpart B

Legal Deadline: None

Abstract: 10 CFR part 1046, subparts A and B, establishes DOE contractor requirements in the areas of protective force medical, physical fitness, and firearms qualifications and training. The proposed revisions are to ensure protective force personnel receive quality medical services that are consistent with the Americans with Disabilities Act of 1990. They also will enhance communications between Designated Physicians and personnel responsible for supervising physical fitness training and certification to assure better understanding of the risk

of injury to Security Police Officers and Security Officers participating in physical fitness activities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/01 | |
| Final Action | 12/00/01 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Russell Showers, Security Specialist, Office of Safeguards and Security, Department of Energy, Germantown, MD 20874-1290
Phone: 301 903-5122

RIN: 1992—AA23

1061. PROCEDURAL RULES FOR DOE NUCLEAR SECURITY ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2011 et seq; 42 USC 7101 et seq; 42 USC 2282(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action would provide for the imposition of civil penalties on contractors for violations relating to the safeguarding or security of classified or sensitive data.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/00 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DOE—DSA

Proposed Rule Stage

Agency Contact: Cathy Tullis, Office of Security and Emergency Operations, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 301 903-4805
RIN: 1992-AA28

1062. • HUMAN RELIABILITY PROGRAM

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 7254
CFR Citation: 10 CFR 710; 10 CFR 711; 10 CFR 712
Legal Deadline: None

Abstract: This action would establish a Human Reliability Program that would consolidate the Department's Personnel Security Assurance Program (PSAP) and its Personnel Assurance Program (PAP). PSAP is an access authorization program that evaluates individuals who apply for or occupy certain positions that are critical to the national security. PAP ensures that employees assigned to nuclear explosives duties do not have emotional, mental, or physical conditions that could result in an accidental or unauthorized detonation of nuclear explosives.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Brightwell, Office of Nuclear and National Security Information, Department of Energy, 19901 Germantown Road, Germantown, MD 20874
Phone: 301 903-5454
Email: linda.brightwell@hq.doe.gov
RIN: 1992-AA29

Department of Energy (DOE)
Defense and Security Affairs (DSA)

Final Rule Stage

1063. GENERAL CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTERS OR SPECIAL NUCLEAR MATERIAL

Priority: Substantive, Nonsignificant
Legal Authority: EO 12968; 42 USC 2201
CFR Citation: 10 CFR 710 subpart A
Legal Deadline: None

Abstract: 10 CFR part 710, which stipulates DOE access authorization "due process" procedures, will be revised to comply with section 5.2(a) of EO 12968. This section requires three decision levels in the process of determining whether an individual's access to classified matter will be denied or revoked, with the final decision being made by a three member high level appeals panel. While the DOE decision structure will be revised, the DOE will continue to offer the individual the right to a hearing before a hearing officer in such cases. These revisions are not expected to significantly impact the costs, time

intervals, or risks associated with DOE's administrative review process. There are no alternatives to the Department for assuring full compliance with the new requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/16/99 | 64 FR 44433 |
| Final Action | 10/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: A. Barry Dalinsky, Personnel Security Specialist, Office of Safeguards and Security, Department of Energy, Germantown, MD 20874-1290
Phone: 301 903-5010
RIN: 1992-AA22

1064. SECURITY REQUIREMENTS FOR DISCLOSURE OF CLASSIFIED AND OTHER SENSITIVE INFORMATION

Priority: Substantive, Nonsignificant
Legal Authority: PL 106-65, section 3164

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action would prescribe the security requirements and procedures that a DOE or DOE contractor employee must follow to make a protected disclosure of classified or other sensitive information under the whistleblower protection provisions of section 3164 of the National Defense Authorization Act for Fiscal Year 2000.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cathy Tullis, Office of Security and Emergency Operations, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 301 903-4805
RIN: 1992-AA26

Department of Energy (DOE)
Defense and Security Affairs (DSA)

Completed Actions

1065. ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 7254
CFR Citation: 10 CFR 810

Legal Deadline: None

Abstract: This action amended the Department's regulations concerning unclassified assistance to foreign atomic energy activities. The amendments made explicit DOE's

export control jurisdiction over transfers of technology and services to foreign activities relating to special nuclear material; revised the list of countries for which assistance under the regulations requires specific

DOE—DSA

Completed Actions

authorization; and updated the address for submitting reports and requests.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/02/99 | 64 FR 35959 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 08/31/99 | |
| Final Action | 03/27/00 | 65 FR 16124 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Zander Hollander, Office of Arms Control and Nonproliferation, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-2125

RIN: 1992-AA25

Department of Energy (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

1066. FREEDOM OF INFORMATION ACT

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: On October 23, 1991, DOE proposed to amend the procedures and principles to be applied in responding to requests for records under the Freedom of Information Act (FOIA) 5 USC 552. The proposal updated names and addresses of organizational entities, and updated guidelines for the schedule of fees associated with processing requests. A proposed section on policies clarified DOE's operation of a first-in, first-out policy in responding to FOIA requests, and the role of the Office of Hearings and Appeals was clarified. The proposal also included a statement of DOE policy on contractor records.

On December 12, 1994, DOE adopted the contractor records policy, with certain modifications. DOE expects to take final action on the remainder of the proposal in the near future.

The new regulations will clarify the FOIA process by clearly defining the roles of the FOIA Officer and the Denying Official and comply with the new requirements of the Electronic Freedom of Information Act Amendment of 1996. The new regulations will be written in a more customer-friendly manner in plain English.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Final Rule (Contractor Records) | 12/12/94 | 59 FR 63882 |
| NPRM | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Abel Lopez, Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA32

1067. PRIVACY ACT SYSTEM OF RECORDS UPDATE

Priority: Info./Admin./Other

Legal Authority: 5 USC 552a

CFR Citation: 10 CFR 1008

Legal Deadline: None

Abstract: This action will amend the Department's Privacy Act Regulations, 10 CFR 1008, by deleting Privacy Act system notices no longer used by the Department. It will also update the remaining systems, many of which require minor amendments to location, authority, purpose, storage, or system manager.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Abel Lopez, Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA69

1068. COMMUNITY TRANSITION ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7274h

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Section 3161 of the National Defense Authorization Act for Fiscal Year 1993, 42 USC 7274h, provides authority for DOE to provide impact assistance to communities that are adversely affected by work force restructuring. This action would establish the regulations governing the community transition program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/01 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Baney, Office of Worker and Community Transition, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-3751

RIN: 1901-AA77

1069. • NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 1040

Legal Deadline: None

Abstract: This action would amend the definition of "program."

DOE—ENDEP

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/00 | |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Sharon Wyatt,
Department of Energy, 1000Independence Avenue SW.,
Washington, DC 20585
Phone: 202 586-2256

RIN: 1901-AA86

Department of Energy (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

1070. NUCLEAR SAFETY
MANAGEMENTRegulatory Plan: This entry is Seq. No. 28 in Part II of this issue of the **Federal Register**.

RIN: 1901-AA34

policy changes that have occurred since the Nuclear Waste Policy Act was passed in 1982. The amendments would also be based on the experience the Department has gained over the last decade of investigative efforts.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| NPRM | 12/16/96 | 61 FR 66158 |
| Supplemental NPRM | 11/30/99 | 64 FR 67054 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Federal

Agency Contact: Susan Rives, Counsel,
Department of Energy, Yucca Mountain
Site Characterization Office, P.O. Box
98608, Las Vegas, NV 89193
Phone: 702 794-5519

RIN: 1901-AA72

Abstract: This action would establish procedures for identifying and disposing of real property by sale or lease at the Department's defense nuclear facilities for the purpose of permitting economic development. It would also establish procedures for reporting actions to Congress, informing those acquiring the property of the availability of indemnification for injury to people or property from releases or threatened releases of hazardous materials, requesting indemnification, and making claims for indemnification.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 02/29/00 | 65 FR 10685 |
| Final Action | 06/00/01 | |

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Andrew Duran,
General Engineer, Office of Field
Integration, Department of Energy, 1000
Independence Avenue SW.,
Washington, DC 20585
Phone: 202 586-4548
Email: andrew.duran@hq.doe.gov

RIN: 1901-AA82

1072. GENERAL GUIDELINES FOR
THE RECOMMENDATION OF SITES
FOR NUCLEAR WASTE REPOSITORY

Priority: Other Significant

Legal Authority: 42 USC 10132

CFR Citation: 10 CFR 960

Legal Deadline: None

Abstract: This action would amend the guidelines that will be used by the Department in deciding whether to recommend a site for the development of the geologic repository for the disposal of high-level radioactive waste and spent nuclear fuel. The amended guidelines would reflect statutory and1073. ECONOMIC DEVELOPMENT
TRANSFERS OF REAL PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-85, sec 3158

CFR Citation: 10 CFR 770

Legal Deadline: None

Department of Energy (DOE)
Departmental and Others (ENDEP)

Long-Term Actions

1074. ENFORCEMENT OF EMPLOYEE
SAFETY STANDARDS AT NUCLEAR
WEAPONS FACILITIES

Priority: Other Significant

Legal Authority: PL 102-190, sec 3131

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Public Law 102-190, section 3131, directs the Department of Energy to assess civil penalties against contractors at DOE nuclear weapons facilities who fail either to provide

training to employees engaged in hazardous substance response and emergency response or fail to certify that such workers have been adequately trained.

Timetable:

| Action | Date | FR Cite |
|--------|------------------|-------------|
| ANPRM | 08/26/94 | 59 FR 44139 |
| NPRM | To Be Determined | |

Regulatory Flexibility Analysis
Required: UndeterminedGovernment Levels Affected:
UndeterminedAgency Contact: Harry Pettengill,
Director, Occupational Health and
Safety Policy, Department of Energy,
1000 Independence Avenue SW.,
Washington, DC 20585
Phone: 301 903-4343

RIN: 1901-AA44

DOE—ENDEP

Long-Term Actions

1075. ANNOTATION OF LAND RECORDS FOR REMEDIATED PROPERTIES IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT (UMTRA)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95-604, sec 104(d); PL 104-259, sec 4(a)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: Under section 104(d) of the Uranium Mill Tailings Radiation Control Act of 1978, the Department of Energy (DOE) is required to issue appropriate rules and regulations concerning the annotation of land records of designated inactive uranium mill sites and vicinity properties included for remedial action under the Act. The annotation is intended to ensure that future purchasers of remediated inactive uranium mill sites and vicinity properties will be notified, prior to such purchase, of the condition of the land.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/14/89 | 54 FR 29732 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Federal

Additional Information: Public Law 104-259, signed into law on October 9, 1996, amended the annotation requirement to provide for States to receive certification from the Secretary for "a program which would achieve the purposes" of the annotation under section 104(d) of the UMTRCA in regards to vicinity properties. Letters have been sent to the affected States regarding the amendment language.

Agency Contact: Loretta Fahy, Environmental Protection Spec. UMTRA Team, Department of Energy, Cloverleaf Building, 19901 Germantown Road, Germantown, MD 20874-1290
Phone: 301 903-3895

RIN: 1901-AA57**1076. PAYMENTS FOR SPECIAL BURDENS AND IN LIEU OF TAXES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2208 Atomic Energy Act of 1954, sec 168**CFR Citation:** 10 CFR 610**Legal Deadline:** None

Abstract: This action will revise the Department of Energy's policy on making payments for special burdens

and in lieu of taxes to State and local taxing jurisdictions pursuant to the Atomic Energy Act of 1954. Prior to the 1987 issuance of DOE Order 2100.12, the Department and its predecessor agencies approved such payment requests on an ad hoc basis. To ensure all eligible taxing jurisdictions are provided appropriate opportunity to comment, the revised policy is being established through the rulemaking process. The Department anticipates no added costs by issuing the revised policy as a regulation rather than as an internal directive revision.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local**Federalism:** Undetermined

Agency Contact: Helen O. Sherman, Director, Office of Financial Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4860

RIN: 1901-AA58
Department of Energy (DOE)
Departmental and Others (ENDEP)

Completed Actions

1077. ENVIRONMENTAL MANAGEMENT FINANCIAL ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 6301 to 6308; 42 USC 7254; 42 USC 7256**CFR Citation:** 10 CFR 600**Legal Deadline:** None

Abstract: The purpose of this action is to establish and implement policies and procedures applicable to the award and administration of grants and cooperative agreements by the Office of Environmental Management (EM) in the areas of: environmental waste management, environmental restoration, pollution prevention and supporting technologies, decommissioning and decontamination activities, technology integration and transfer, environmental education and transportation technologies as they

relate to environmental restoration and waste management.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/03/00 | |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Malika S. Hobbs, Contract Management Specialist, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-6174

RIN: 1901-AA71**1078. REDESIGN AND REVISION OF WHOLESALE POWER RATES AND RESOLUTION OF CERTAIN TRANSMISSION-RELATED ISSUES****Priority:** Info./Admin./Other**Legal Authority:** PL 96-501, sec 7**CFR Citation:** None**Legal Deadline:** None

Abstract: This is an action by the Bonneville Power Administration (BPA) to redesign and revise its wholesale power rates and to resolve certain transmission-related issues. The principal purpose of this action is to allow BPA to recover sufficient revenues to timely meet its repayment and other cost recovery obligations, to be a reliable and competitive power supplier, to send appropriate price signals to customers, to provide a methodology for treatment and allocation of inter-business line costs,

DOE—ENDEP

Completed Actions

and to otherwise meet BPA ratemaking standards set forth in various statutes.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/13/99 | 64 FR 44318 |
| NPRM Comment Period End | 11/05/99 | |
| Final Record of Decision | 05/15/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Diane Cherry, Manager for Power Products, Pricing and Rates, Power Business Line, Department of Energy, PSP-5, 905 NE 11th Street, Portland, OR 97232
Phone: 503 230-5648

RIN: 1901-AA83

1079. REDESIGN AND REVISION OF TRANSMISSION RATES AND OPEN ACCESS TRANSMISSION TERMS AND CONDITIONS

Priority: Info./Admin./Other

Legal Authority: PL 96-501, sec. 7; PL 102-486, sec. 824k(i)(2)

CFR Citation: None

Legal Deadline: Final, Statutory, October 1, 2000.

Abstract: This is an action by the Bonneville Power Administration (BPA) to redesign and revise its electric transmission rates and its open access transmission terms and conditions. The principle purpose of the action is to allow BPA to recover sufficient revenues to timely meet its repayment and other cost recovery obligations, to equitably allocate transmission costs between Federal and non-Federal users of the transmission system, and to establish transmission terms and conditions which are equal or superior to those contained in the Federal Energy Regulatory Commission's pro forma tariff.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 03/15/00 | 65 FR 14098 |
| Final Record of Decision | 08/18/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Dennis Metcalf, Transmission Rate Case Manager, Department of Energy, TMP, 905 NE 11th, Portland, OR 97232
Phone: 360 418-8679

RIN: 1901-AA84

1080. REVISED INTEGRATED RESOURCE PLANNING APPROVAL CRITERIA

Priority: Info./Admin./Other

Legal Authority: 42 USC 7152; 42 USC 7275 et seq

CFR Citation: 10 CFR 905.1 to 905.25

Legal Deadline: None

Abstract: This action would revise Western Area Power Administration regulations that require its long-term firm power customers to prepare integrated resource plans. It would amend the criteria for approval of such plans and reduce reporting burdens.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/17/99 | 64 FR 54174 |
| Final Action | 03/30/00 | 65 FR 16789 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Simmons B. Buntin, Energy Services Specialist, Department of Energy, Office of Environment, WAPA, 12155 W. Alameda Parkway, Lakewood, CO 80228-2802
Phone: 720 962-7419

RIN: 1901-AA85

Department of Energy (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Management (PR)

1081. DEAR: RECYCLING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 42 USC 486(c)

CFR Citation: 48 CFR 923; 48 CFR 970.52; 48 CFR 970.23

Legal Deadline: None

Abstract: This action would implement E.O. 13101, Greening the Government Through Recycling, Waste Prevention, and Federal Acquisition. It would increase the procurement of products containing recycled materials and reduce waste generation at DOE facilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8247
Email: richard.langston@pr.doe.gov

RIN: 1991-AB47

1082. DEAR: WORK FOR OTHERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would provide policies and procedures governing work for others by DOE contractors and would ensure that authorization is consistent and uniform.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no

DOE—PR

Proposed Rule Stage

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: A. Scott Geary, Program Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-3299

RIN: 1991–AB48

1083. ACQUISITION REGULATION: PAYMENT OF FEE RELATING TO SECURITY ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would make the payment of fees to the Department's major operating contractors conditional on meeting safeguard and security requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: John Mitchell, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0416
Email: john.mitchell@pr.doe.gov

RIN: 1991–AB54

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

1084. CLASSIFIED NATIONAL SECURITY INFORMATION—E.O. 12958

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 42 USC 486(c)

CFR Citation: 48 CFR 904; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: This action implements Executive Order 12958, which prescribes a uniform system for classifying, safeguarding, and declassifying national security information.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8247
Email: richard.langston@pr.doe.gov

RIN: 1991–AB42

1085. DEAR: COST PRINCIPLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254

CFR Citation: 49 CFR 970

Legal Deadline: None

Abstract: This action would amend various clauses that address cost principles.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/14/00 | 65 FR 37335 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Terrence D. Sheppard, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8193

RIN: 1991–AB46

1086. DEAR: PART 970, DOE MANAGEMENT AND OPERATING CONTRACTS: TECHNICAL REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 42 USC 2201

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would revise part 970 of the Department of Energy Acquisition Regulations to eliminate provisions that are unnecessary, obsolete, or duplicated elsewhere in title 48.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/13/00 | 65 FR 13418 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: John R. Bashista, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8192
Email: john.bashista@hq.doe.gov

RIN: 1991–AB49

DOE—PR

Final Rule Stage

1087. DEAR: TECHNICAL AMENDMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 48 CFR 900 to 970**Legal Deadline:** None**Abstract:** This action would make corrections and technical changes to the Department of Energy Acquisition Regulations.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kevin M. Smith, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8189**RIN:** 1991-AB51**1088. DEAR: PURCHASING BY DOE MANAGEMENT AND OPERATING CONTRACTORS FROM AFFILIATED SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 48 CFR 909; 48 CFR 970**Legal Deadline:** None**Abstract:** This action would amend provisions that cover organizational conflicts of interest and purchases from affiliated sources to protect the Department in transactions involving a DOE M&O contractor and its affiliates.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/13/99 | 64 FR 55453 |
| Final Action | 10/00/00 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8264**RIN:** 1991-AB52**1089. • DEAR: PATENT RIGHTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 927; 48 CFR 970**Legal Deadline:** None**Abstract:** This action would update the Department's regulations on patent rights to reflect the current practices employed in its major facility contracts.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8264**RIN:** 1991-AB55

Department of Energy (DOE)

Completed Actions

Office of Procurement and Assistance Management (PR)

1090. DEAR: FINANCIAL MANAGEMENT CLAUSES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 970**Legal Deadline:** None**Abstract:** This rule revises selected financial management clauses and clarifies language in existing clauses. It will strengthen M&O contractor financial management and make the regulation easier to understand.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/18/98 | 63 FR 64024 |
| Final Action | 04/21/00 | 65 FR 21371 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Michael L. Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8175**RIN:** 1991-AB02**1091. DEAR: MANAGEMENT AND OPERATING CONTRACT WHISTLEBLOWER COSTS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 922; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** The Department's acquisition regulation is being amended to implement a recommendation of its Departmentwide contract reform initiative concerning allowability of costs in whistleblower actions.

DOE—PR

Completed Actions

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 01/05/98 | 63 FR 386 |
| Revised NPRM | 03/24/99 | 64 FR 14206 |
| Final Action | 10/18/00 | 65 FR 62299 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Terrence D. Sheppard, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8193

RIN: 1991-AB36

1092. DEAR: MENTOR-PROTEGE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 919

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulations (DEAR) to formally encourage DOE prime contractors to assist small disadvantaged firms certified by the Small Business Administration under section 8(a) of the Small Business Act, other small disadvantaged businesses, and small businesses owned and controlled by women in enhancing their capabilities to perform contracts and subcontracts for DOE and other Federal agencies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/06/99 | 64 FR 68072 |
| Final Action | 04/21/00 | 65 FR 21367 |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8264

RIN: 1991-AB45

Department of Energy (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

1093. • CONTRACTOR LEGAL MANAGEMENT REQUIREMENTS; ACQUISITION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 5814 and 5815; 42 USC 7151, 7251, 7254, and 7256; 50 USC 2401; 42 USC 7101

CFR Citation: 10 CFR 712 (New); 48 CFR 928; 48 CFR 931; 48 CFR 944; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: This action would establish a new regulation covering all legal costs to be reimbursed by the Department to its facility management contractors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/00 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laura Fullerton, Attorney-Advisor (GC-61), Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-3420
Fax: 202 586-0325
Email: laura.fullerton@hq.doe.gov

RIN: 1990-AA27

Department of Energy (DOE)
Office of General Counsel (OGC)

Final Rule Stage

1094. CONDUCT OF EMPLOYEES

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 7211 et seq; PL 103-160, sec 3161; EO 12674

CFR Citation: 10 CFR 1010; 5 CFR 2635

Legal Deadline: None

Abstract: The DOE regulation on conduct of employees needs to be revised to reflect the issuance of the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635) and the repeal of conflict-of-interest provisions formerly applicable to DOE employees.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/05/96 | 61 FR 35085 |
| Final Action | 12/00/00 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Agency Contact: Susan Beard, Deputy Assistant General Counsel for Standards of Conduct, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1522

RIN: 1990-AA19

1095. • CLAIMS FOR DAMAGES AGAINST DEPARTMENT OF ENERGY EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 2672; 42 USC 7101 et seq

CFR Citation: 10 CFR 1014

Legal Deadline: None

Abstract: This action would provide for the indemnification of employees or

former employees of the Department of Energy who are personally liable to pay damages for their official acts or omissions as a result of an adverse judgment or settlement.

| Timetable: | | |
|--------------------|----------|---------|
| Action | Date | FR Cite |
| Interim Final Rule | 12/00/00 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Susan Beard, Deputy Assistant General Counsel for Standards of Conduct, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1522

RIN: 1990-AA26
[FR Doc. 00-24462 Filed 11-29-00]

BILLING CODE 6450-01-S